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LOYAL PUBLICATION SOCIETY.
863 BROADWAY,

No. 20.

MILITARY DESPOTISM.

ARBITRARY ARREST OF A JUDGE!

At the conclusion of the war with England, on the 3d of March, 1815, while General Jackson was in New Orleans, an article appeared in the *Louisiana Courier*, concluding as follows:

"Let us conclude by saying that it is high time the laws should resume their empire; that the citizens of this State should return to the full enjoyment of their rights; that, in acknowledging that we are indebted to General Jackson for the preservation of our city and the defeat of the British, we do not feel inclined, through gratitude, to sacrifice any of our privileges, and, less than any other, that of expressing our opinion of the acts of his administration; that it is time the citizens accused of any crime should be rendered to their natural judges, and cease to be brought before special or *military tribunals*—a kind of institution held in abhorrence, even in absolute governments; that, after having done enough for glory, the moment of moderation has arrived; and, finally, that the acts of authority which the invasion of our country and our safety may have rendered necessary, are, since the evacuation of it by the enemy, no longer compatible with our dignity and our oath of making the Constitution respected."

Here was open defiance. Jackson accepted the issue with a promptness all his own. He sent an order to the editor of the paper in which the article appeared, commanding his immediate presence at headquarters. The name of the author of the

Captain Ogden promptly obeyed the order. A guard of four privates, commanded by a non-commisioned officer, escorted the learned Judge of the United States District Court to a point about five miles above the city, where General Jackson's order was delivered to him, and he was set free.

On the 31st of March, General Jackson was cited to appear before the United States District Court, for arresting the Judge. The proceedings of the Court are recorded as follows

"On this day appeared in person, Major-General Andrew Jackson, and, being duly informed by the Court that an attachment had issued against him for the purpose of bringing him into Court, and the district attorney having filed interrogatories, the Court informed General Jackson that they would be tendered to him for the purpose of answering thereto. The said General Jackson refused to receive them, or to make any answer to the said interrogatories. Whereupon the Court proceed to pronounce judgment, which was, that Major-General Andrew Jackson do pay a fine of one thousand dollars to the United States."

The General was borne from the Court-room in triumph, or, as Major Eaton has it :

"He was seized and forcibly hurried from the hall to the streets, amidst the reiterated cries of huzza for Jackson, from the immense concourse that surrounded him. They presently met a carriage in which a lady was riding, when, politely taking her from it, the General was made, spite of entreaty, to occupy her place; the horses being removed, the carriage was drawn on and halted at the coffee-house into which he was carried, and thither the crowd followed, huzzaing for Jackson, and menacing violently the Judge. Having prevailed upon them to hear him, he addressed them with great feeling and earnestness; implored them to run into no excesses; that if they had the least gratitude for his services, or regard for him personally, they would evince it in no way so satisfactorily as by assenting, as he most freely did, to the decision which had just been pronounced against him.

"Upon reaching his quarters he sent back an aid-de-camp to the Court-room with a check on one of the city banks for a thousand dollars; and thus the offended majesty of the law was supposed to be avenged."—*Extract from Life of Jackson*, pp. 311 to 320, vol. 2.

Nine years after, this "military despot," who made the "arbitrary arrest," was elected President by the Democracy.

A Piece of Hickory.

THE CONSPIRACY TO SEDUCE THE NORTHWEST.

During the recent occupation of the city of Jackson by the Union army, General J. M. Tuttle, commanding a division in Sherman's Army Corps, made his headquarters at the house of F. T. Cooper, Esq., the editor of the Jackson *Mississippian*. Among the papers which the fugacious editor left behind him, was the following letter from Douglas M. Hamilton, a politician of some note in Louisiana, and his reply thereto. They contain an interesting chapter in the secret history of the rebellion. The originals are in the hands of General Tuttle, subject to the inspection of the curious :

NEW LAUREL HILL POST OFFICE,
WEST FELICIANA, LA., February 21, 1863.

To the Editors of the Mississippian :

Sirs,—In your paper of the 8th inst. is an editorial article to which I desire to call your attention. It is headed "The Future of the Confederate States." This paper, for some reason, failed to come by mail in due season, and arrived at the same time as some of the following week, or I should have called your notice to it sooner. Since that date, you have inserted an article intended for *De Bow's Review*, by "Pathon," and notice the article editorially with favor. Be pleased to inform me candidly, as true men, if you are serious in proposing that any of the free States of the old Union should be admitted into the Confederacy. I can hardly realize that you can be willing to agree to any such proposition, but put forth these propositions as feelers among our own people, and to stimulate the miserable Western Yankees to persevere in their opposition to Lincoln and his Abolition Administration, and by producing dissension, quarrels, and perhaps blows and bloodshed among our common enemy, relieve us in a measure of the tremendous power they are preparing to bring against us.

There is no doubt that our enemy is greatly crippled already by the want unanimity of sentiment and feeling between the people and the army on one side, and the Administration on the

other. And by this private quarrelling among themselves, we have profited a great deal, and will continue to profit until we gain our complete independence, by fostering and encouraging it. But can we not accomplish all that is necessary and proper, and at the same time hold out no promises which in the future we may hesitate to fulfill? I think we can. We can offer to join them, if necessary, in a war against Lincoln, Abolition, and New England Yankees, and after catching and putting to death every public man in the old Union who has been a counsellor or adviser of Lincoln, we can make a treaty of peace and commerce with them, granting them the free navigation of the Mississippi river to its mouth, (a right we never denied them, however,) and moderate privileges of trade with us. But farther than this I would not go, and I hope you would not either.

Your paper, for some reason, is taken as an organ of the President, and these views of yours may be taken as his. Perhaps they are, though I trust not. I was born in Williamson county, Mississippi, near where Jeff. Davis was raised, and my family were schoolmates and friends of his. I, myself, have always esteemed and admired him, and from the beginning of this revolution, have looked upon him as a second Washington to lead our people through it to a successful termination.

But if he favors a reconstruction of a Union of free and slave States, after the experience we have had, I have given him credit for too much penetration and sagacity.

In several public addresses and messages very lately, he has taken occasion to declare most positively and distinctly, that he would never agree under any circumstances to a reconstruction of the old Union. But he has never declared that he never would favor a Union of *slave* and *free* States. He is a man who keeps his own counsel, and talks only when he pleases, keeps silent when he pleases. He may have reserved his opinion for fitting a time for public expression.

I am by nature, education, and religion a Yankee-hater. I loathed the old Union, and no act of any people ever afforded me half the delight that the secession of the slave States from the old Union did. You may imagine, therefore, my chagrin and suprise when I notice in the columns of a leading paper, in

one of the leading secession States, articles advocating a *reconstruction* of the Union. And this at the very crisis of revolution, when our independence, which we have suffered so much for, and fought so gloriously for, is within our grasp, and foreign nations, as well as Yankeedom, are on the point of acknowledging it.

My dear sirs, write to me in reply, and say that you are not in earnest, but are baiting traps to catch green Western Hoosiers. You cannot surely be planning to permit these vermin, uncouth, fanatical, and depraved, as they have proved themselves to be, to enter again our legislative halls, divide our offices of profit and trust, and partake freely of all privileges of our own citizens, of voting, owning property, etc., etc.? You must have learned by the experience of the political agitations of the past twenty-five years, accompanied by hatred, abuse, and jealousy, followed by a war characterized by more outrages, plunderings, burnings, cruelties, indignities, and bloodshed than any on record, that our civilization is too distinct, our instincts too diverse, our manners, habits, thoughts, occupations, and interests too widely different, ever to permit us to live together again under the same government, with the same laws and lawmakers, and the same men to share in making and executing their laws, and administering this government.

I sat down to write you six lines, and find myself entering into an argument with you. Now, I never intended any argument with you on this subject, as men can only argue that about which they hold dissimilar opinions.

Should you continue to write similar editorials to the one alluded to, however, I shall conclude that we do entertain opinions which are separated as far as the poles.

I will not let any of your secrets out of the bag, if you confide them to me, and request me not to divulge them; but allow you to proceed in your baiting for the Hoosiers, and not interfere, though I may not entertain the same notions as to the strict morality of the course. But if you write to me, and say candidly that you are perfectly willing to join them again, and live under the same government and laws, I must take ground against you, and I will spend the balance of my days in fighting against

any union with them, just as I have fought all my past life in trying to get rid of them.

I will fight you honorably, and when I know how you stand, I will enter the list, if in earnest; but if you are not, I will reserve myself for the first public man who broaches this, to me, obnoxious doctrine. Let me hear from you, in reply, at your earliest convenience.

Respectfully, your obedient servant,

DOUGLAS M. HAMILTON.

Reply.

[Private.]

MISSISSIPPIAN OFFICE,
Jackson, March 10th, 1863.

DOUGLAS M. HAMILTON:

Dear Sir,—Your favor of the 21st ult. is received. You are right in your surmise that the article referred to, and similar ones, are written mainly for Western consumption. The papers printed here, go regularly to Western soldiers, by some means, and are not unfrequently republished in Western papers.

From the beginning of the struggle it has been an object with me to draw a distinction between the Western and Eastern soldiers of the North, to give the first credit of all the achievements of Federal arms, and denounce the latter as cowardly, malignant, and intolerant, hoping thereby to produce a division among them, and thus relieve ourselves; and this, it must be confessed, is about the only object I hope to aid in accomplishing by presenting to the West a seeming willingness to admit them into our Confederacy, upon our own forms and conditions.

While there are certain conditions upon which I would not be opposed to their admission—the entire expulsion of abolitionism and fanaticism, the adoption of our constitution, and the unrestrained toleration of slavery—yet I am not wild enough to believe that even the Western States will ever reach this standard, and hence a political brotherhood with them is something I neither expect nor desire. My sole object, therefore, in such editorials as you refer to, is to increase the dissat-

faction now raging in the West, trusting it may soon break out in open rupture. This course, I think, I could defend upon moral grounds, but that is not necessary now.

It is proper to say that I know nothing of the President's views on this subject, and the *Mississippian* (though friendly to him) is not his organ.

Cordially sympathizing with you in hereditary and intense hatred to the true Yankee character,

I am, very respectfully,

E. T. Cooper,

Editor *Mississippian.*

ENGLISH SUSPENSION OF THE HABEAS CORPUS.

It has been, from the outset, the settled aim of the rebel sympathizers and of the anti-war men to weaken, so far as they could, the arm of the Administration. They dared not vindicate the rebellion, and advocate peace with it outright, but what they dared not to do directly they have constantly done indirectly. Not venturing to justify the rebellion, they have yet never ceased to apologize for it, and extenuate it, by denouncing Abolition as its provocation and cause. Not venturing to oppose the war squarely, they have yet sought to disable the Government from prosecuting it by opposing the conscription act, which alone can supply the men, and the financial measures, which alone could supply the means. Their whole public policy has been, not to plant themselves against the war—for that would have been suicidal—but to cripple those who carried on the war.

This factious, traitorous spirit has been particularly displayed in respect to the suspension of the *habeas corpus.* When the rebellion first broke out, Congress not being in session, the President, at his own instance, suspended the writ, and thereby, according to the subsequent statement of Governor Hicks in the United States Senate, prevented at least one State, Maryland, from being carried over to the rebels. Though the legality of his procedure was sustained by Attorney-General

Bates, by Horace Binney, by Reverdy Johnson, and generally by the best constitutional lawyers of the country, the anti-war men straightway denounced it as a monstrous usurpation—clamoring that Congress alone had a right to suspend the writ. This clamor was kept up until finally Congress, not only passed a bill indemnifying the President for the past suspension, but formally authorizing the suspension of the writ for all time during the present rebellion. But the calculation that this would silence faction failed utterly. There is just as much brawling to-day about the inviolability of *habeas corpus* as there was before the action of Congress. The Copperhead demagogues habitually rant just as if there was no clause in the Constitution providing for the suspension of writ "in cases of insurrection and invasion."

Now, if this balderdash were confined to such windbags as figured at the Union Square meeting the other evening, it would not be worth noticing. But the editors of public journals, who ought to know better, constantly indulge in the same wretched charlatanry. Their readers are daily told that the suspension of the *habeas corpus* is a most intolerable piece of tyranny, which no other people making the least pretension to constitutional freedom would endure for a moment. Charity would impute this to ignorance; but, if ignorance, it is of the very grossest description. For the benefit of the people, who talk so much and know so little of *Magna Charta*, we propose to devote a little space, this morning, to the manner in which England, the native land of *Magna Charta*, deals with a rebellion. It is possible that some of these men may come to understand that war makes some difference in civil rights—that De Lolme, the commentator on the British Constitution, had some idea of what he was writing about when he said, in reference to the suspension of the *habeas corpus*, that "in proportion as a government is in danger it becomes necessary to abridge the liberty of the subject"—and that the framers of our own Constitution were not apostates and tyrants when they inserted a specific clause authorizing the suspension of the writ, "when in cases of rebellion or invasion the public safety may require it."

We shall not stop to make reference to the suspension of

habeas corpus in England at the time of the invasions of the Pretender in 1715 and 1745, nor to the various suspensions in Ireland in 1800—from 1802 to 1805—from 1807 to 1810—in 1814—from 1822 to 1824; but we will confine ourselves to the suspension of the act in 1848, under the direction of statesmen still on the stage. We have nothing to say about the right or the wrong of the Irish attempt at rebellion in that year; it is our purpose simply to show how the English Government met it.

The chronic agitation in Ireland began to take a threatening shape directly after the continental revolutions of February and March; but we believe, even in the December previous, Parliament passed an act forbidding the possession of arms in certain troublesome districts. In April, an act was passed called the "Felony bill," making it felony, among other things, "for any person to compass, imagine or *intend* to depose the Sovereign, or to levy war against her." Under this law, Martin, the editor of *The Felon*, was tried and convicted and sent to Newgate, on account of his writings and public speeches. Other prosecutions of similar character took place. In July, the Whig Ministry, through Lord John Russell, introduced a bill empowering the Lord Lieutenant of Ireland and deputies to "apprehend and detain, until 1st of March, 1849, such persons as they shall *suspect* of conspiring against Her Majesty's person and Government." This was a suspension of the act of *habeas corpus* for *all Ireland*—the loyal North as well as the disaffected East and the rebellious South and West. The bill was introduced in the House, and went through all of its stages to its final passage in one day; and on the next day it, in like manner, passed the House of Lords. In both Houses *the vote was unanimous.* Even the Irish members did not vote against it. Even Lucius O'Brien, the brother of the rebel leader, gave it his support. The leaders of all the various parties supported it, though party spirit ran very high at that period.

Said Lord Brougham, in the House of Lords:

"A friend of liberty I have lived, and so I shall die,—nor do I care how soon that may be if I cannot be the friend of liberty without being a friend of traitors at the same time, without

being the protector of criminals, without being deemed to be the accomplice of foul rebellion and its comcomitant civil war, with all of its hideous train of atrocious crimes. It is because I am a friend of liberty that I detest the approach of bloodshed, that I detest the conspiracies which are brewing in the sister isle. The noble Marquis (LANSDOWNE) has informed us that the danger is imminent. Then let the measure which invests the Government with needful, and no more than needful, powers, be immediately adopted."

Lord STANLEY, now Earl DERBY, said:

"I think that the Government has asked for the right remedy. I think the remedy for which they have asked is one which will strike the right persons, and strike them within the right time. I am not one of those who would seek for victims among the credulous dupes of the incendiary agitators of Ireland—dupes who will be put forward in the front ranks for the purpose of committing crimes and outrages. I do not desire—God forbid that I should—that upon them the severest penalty of the law should fall. No; I desire it should fall upon those who, well knowing the consequences of their conduct—who, well knowing the falseness of their pretexts—who, well knowing the fatal effects that must flow from the doctrines they preach, evince a readiness to sacrifice everything to their passions and their sordid interests, and for their own purposes do not hesitate to involve their friendless and too credulous fellow-countrymen in the guilt of treason and the dangers of civil war. The persons I wish to see punished are those who have sufficient skill, who have sufficient information and intelligence to keep themselves free from such legal guilt as would bring them under the operation of the law, with the probability of a conviction, but who, nevertheless, are morally guilty in the eye of God and man of the crime of inciting to treason, murder, rebellion, and civil war. I favor the measure now proposed, chiefly because by its means we shall get rid of all doubts and difficulties—we shall have no more of these delays of the law—no more of that chicanery which encourages evil-doers to hope for ultimate escape, and which is certain to cause such procrastination, that when at length the sword of justice falls, the example does not produce half the effect it ought to have."

In the House of Commons, Lord JOHN RUSSELL said:

"I believe in my conscience that this measure is calculated to prevent insurrection, to preserve internal peace, to preserve

the unity of this empire, and to save the throne of these realms and the free institutions of this country."

Sir Robert Peel said:

"I, for one, am perfectly prepared to insist on no ordinary powers. I believe that the Government is justified in asking for this measure. I believe the measure itself—the power to apprehend on suspicion and keep the conspirators in confinement—is necessary. I will not urge on the Ministry measures of greater coercion than those their own responsibility demands; but this I say, as nothing but necessity can justify a suspension of the *habeas corpus* act, the same necessity makes immediate action desirable."

Mr. Disraeli said:

"I think we ought not to hesitate to grant the Government the great and extraordinary powers for which they ask."

Mr. Joseph Hume, the leader of the Liberals, and always the fast friend of Ireland, said that he should

—"be sorry to see any division on the measure now before the House."

The only fault found with the Ministers in the entire debate, was that they had not proposed the measure weeks and months before. And yet, even at that time, not a hostile gun had been fired in Ireland, nor an armed demonstration of any sort made. It was simply the shadow of a rebellion—a rebellion which a week afterwards was put to flight by fifty armed policemen, and breathed its last gasp in Widow Carmick's cabbage garden; it was simply the shadow of this thing that stirred Parliament to suspend the writ of *habeas corpus* by unanimous vote. And yet, while our own Government is confronted with a rebellion involving seven millions of persons, and, commanding an army of seven hundred thousand men, the vocabulary of abuse is exhausted because it has presumed to suspend the writ; and to bring their audacity to a climax, English liberty is put in contrast with American despotism.—*N. Y. Times.*

CURSES COMING HOME TO ROOST.

Considering the length of time which Copperhead politicians managed to look on, if not with satisfaction, at least with contentment and in silence, at the practical suspension of the *habeas corpus* throughout the entire South before this war broke out; considering the placid approval or indulgence with which they witnessed, for nearly forty years, the nullification by every one of the Slave States of that essential and vital clause of the Constitution which guarantees to every citizen of the United States freedom of speech and trial by jury all over the Union; considering the eagerness wtih which they supported those provisions of the Fugitive Slave act which shamefully set aside the time-honored presumption of the common law, that every man is free till the contrary is proved, and imposed on the people of the Northern States the humiliation of seeing persons who might be their fellow-citizens carried into life-long bondage on the dictum, not even of a Court, but of a Commissioner—we cannot, for the life of us, much as we value forms, and much as we respect honest human lamentations, help taking a little dismal pleasure in the sight of their present griefs. When we remember that when Slavery daily and hourly either trampled our laws under foot or wrested them for the confusion or destruction of liberty, and for the deification of brute force, these men deprecated all protest and all indignation, we have no bowels of compassion for them, in their present affliction. Seeing how much violence and illegality they could endure for the benefit of Slavery, we know that they can endure very much more than they have yet encountered for the benefit of freedom. They are shocked by Judge Leavitt's refusal of a *habeas corpus* to Vallindigham—they, who thought it no shame that a Washington Judge should simply fine Brooks $300 for beating in the skull of a United States Senator in the Senate Chamber itself. They are horrified that a man may not in the North say his say in favor of peace—they who applauded for long years the system which forbade any man to say, in two-thirds of the Southern States, one word against Slavery, and who voted with the men who upheld this system as the

highest political good. When Northern men, or non-slaveholders, were tarred and feathered and robbed every month, not by the sentence even of courts-martial, but by the wild will of ruffianly mobs, the voices that are now so eloquent on behalf of law and order, did nothing but shout approval. Not one note of protest or of warning ever came from them; not one syllable did they ever utter, to admonish the nation of the demoralization which familiarity with such unchecked wickedness and illegality was sure in the long run to work. It is awful, now, forsooth, that men may not preach against war, under the protection of the Constitution; but it was simple and natural, that under that same Constitution no man dared say a word against either the morality or economy of treating the whole laboring population of one-half the Union as beasts of the field.

They are much troubled, just now, that their labors in defence of Constitutional forms, their invectives against arbitrary arrests and martial law, do not meet with a better response from the public, and do not produce much effect on the Government, and they want to know the reason why. We can tell them. It is because their zeal is new born. People naturally doubt the sincerity of defenders and expounders of the Constitution who, until it began to be strained on behalf of freedom, saw it set aside without a word of remonstrance. People cannot forget, if they would, that the saints who are now on the battlements, fighting vigorously in defence of it, managed to look on in silence during the reigns of Buchanan and Pierce, when every law on the statute book, and every provision of the Constitution, which interfered with the spread or maintenance of slavery, were openly and shamefully disregarded. And there is not an honest man at the North who must not feel disgusted by the impudence which professes to see in the events of to-day proofs of the "decadence of the Republic," and which, nevertheless, in the days of the Toombs's and Wigfalls, saw nothing to be feared or regretted, save the speeches of the Abolitionists—in a state of things which converted this nation into the one apostle and defender of human bondage, to be found in the civilized world—which made the very name of American a synonym amongst foreign nations for lawless violence, and which made the friends of freedom all

over the earth blush over us as a scandal and disgrace. The best thing that could have been said for us at that day was, that we were strong; the better thing may be said for us to-day that we are strong and right. Our violations of law at that day were committed in the service of villainy; they are to-day committed in the service of humanity. We now, it is true, suspend the *habeas corpus*, but it is, that for the future, truth, and justice, and freedom may be established on a sure and lasting foundation. We are, thank God, at last risking our liberties—if we are risking them at all—for something better than Southern "property." Whatever we sacrifice either of our law or Constitution is sacrificed for the gratification of a nobler passion than a thirst for "niggers." And if we perish, we shall perish with the satisfaction—which, had our end come in the days when Copperhead demagogues held the reins of government, we could not possibly have enjoyed—of knowing that we have not destroyed our Government in the interest of kidnappers and pirates, but in a noble effort to find some better basis for a great nation than base connivance at a great crime.—*N. Y. Times.*